<u>REMARKS</u>

Claims 4-6, 12, 14-19, 22-24, 30, and 32-37 are pending in the present application. Claims 4-10, 12, 14-19, 22-28, 30, and 32-37 were examined. Claims 7-10 and 25-28 have been cancelled by amendment.

In the office action mailed December 27, 2005 (the "Office Action"), the Examiner requested clarification on inventorship and rejected claims 4-10, 12, 14-19, 22-28, 30, and 32-37 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,578,005 to Lesaint *et al.* (the "Lesaint patent") in view of U.S. Patent No. 5,615,121 to Babayev *et al.* (the "Babayev patent").

With reference to the issue of inventorship, Mr. Derek Krezeski was crossed-out from the declaration because he is not an inventor of the claimed invention. The correct inventors of the claimed invention are Mr. Simon Jacobs and Mr. Guy Druce, as currently listed.

Amended claims 4 and 22 are patentable over the Lesaint patent in view of the Babayev patent because the combined teachings do not teach or suggest the combination of limitations recited by the respective claims. For example, neither the Lesaint or the Babayev patents describe a method for finding an opening into which to fit an order in a schedule that includes computing an amount of free time required in a shift to fit the order by calculating a travel time between a first activity and a second activity, calculating a difference travel time defined as a result of a subtraction of the travel time between the first activity and the second activity and the travel time of the order and the second activity, further calculating a job time defined as the time that the order will take to be performed in the shift, and summing the travel time, difference travel time, and job time.

The Examiner argues that the Lesaint patent teaches the limitation of calculating a difference travel time at col. 13, lines 61-65. *See* the Office Action at page 5. The material at col. 13 describes the process performed by a pre-scheduler 30 that attempts to schedule the tasks to technicians. As part of the process of allocating the tasks, the pre-scheduler 30 accounts for the travel time between locations of the tasks. That is, if a technician's partial (i.e., yet to be completed) tour ends at a time T, the time at which the pre-scheduler 30 attempts to add the task is at time T+t, where t is the journey time between two tasks. The Examiner argues that the journey time t is analogous to the difference travel time recited in the present claims. As described in the Lesaint patent, however, and acknowledged by the Examiner, t is the journey

travel time between two tasks. *See* col. 13, lines 51-55. The journey time t is not analogous to the difference travel time recited in the claims, but is analogous to a travel time between a first activity and a second activity, which is calculated *in addition* to the difference travel time in the pending claims. Thus, with the journey time being similar to the travel time recited in the claims, it must be different than the difference travel time also recited in the claims. Moreover, the use of the journey time t in the Lesaint patent is not for computing an amount of free time required in a shift to fit the order, but is used by the pre-scheduler 30 to determine the time at which a task to be allocated can be inserted into a technician's partial tour. The journey time t is used for calculating a potential time at which the task can be allocated, and not as part of an overall block of time that is required for assigning an order.

The Examiner argues that the cited material in col. 18 teaches "computing an amount of free time required in a shift to fit the order" as well as "summing the travel time, the difference travel time, and the job time." The cited material at col. 18 describes various parameters that are considered by an optimization subsystem 31 in calculating an objective score when determining which potential schedule is the "best." As identified by the Examiner, the estimated time of completion ("ETC") and estimated time of arrival ("ETA") are listed as examples of the parameters that are considered in calculating a score using the objective function. The calculation of the objective score, however, is not analogous to limitations identified by the Examiner. This is illustrated by the fact that by the time the objective score is being calculated by the optimization subsystem 31, the tasks to be allocated have *already* been inserted into the tours of the various technicians. Consequently, there is no need for calculating free time required to fit an order into a shift because the orders have already been fitted into the shifts. Additionally, as previously discussed with respect to the material cited at col. 13, the material cited by the Examiner does not teach calculating a difference travel time. The Lesaint patent describes using an estimated travel time ("ETT") as one of the parameters for the objective function. However, the ETT appears to be the same as the journey time t, and as previously discussed, this is similar to the travel time that is calculated in the present claim in addition to the difference travel time. As a result, it cannot be the case that summing the travel time, the difference travel time, and the job time is described in the Lesaint patent.
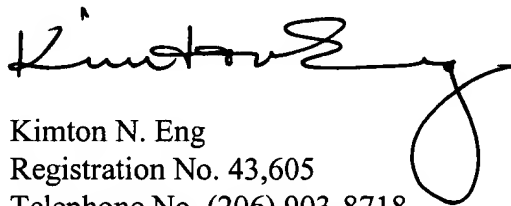
The Examiner has cited the Babayev patent as disclosing providing an alternative appointment time close to a customer preferred time interval if the customer preferred time

cannot be accommodated. *See* the Office Action at page 4. Even if we consider the Examiner's characterization of the Babayev patent to be accurate for the sake of argument, the Babayev still fails to make up for the deficiencies of the Lesaint patent previously discussed.

For the foregoing reasons, claims 4 and 22 are patentable over the Lesaint patent in view of the Babayev patent. Claims 5, 6, 12, and 14-19, which depend from claim 4, and claims 23, 24, 30, and 32-37, which depend from claim 22, are similarly patentable based on their dependency from a respective allowable base claim. Therefore, the rejection of claims 4-6, 12, 14-19, 22-24, 30, and 32-37 under 35 U.S.C. 103(a) should be withdrawn.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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